

**Remarks****I. Status of the Claims**

Claims 1, 2, 6, 8, and 9 are currently pending and have been amended in this application. Entry of this amendment is solicited because it: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal, if an appeal is necessary. Such amendments have been made for clarification of the claimed subject matter.

**II. Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully submit that claim 1 defines doping the anode side of the cathode by an alkaline-earth metal, which would be readily understood by one of skill in the art as disclosed at, e.g., page 11 of the specification.

Applicants have addressed the Examiner's concerns relating to the rejection under 35 U.S.C. § 112, second paragraph, by making the appropriate claim amendments. Accordingly, Applicants respectfully request withdrawal of the 112, second paragraph, rejection.

**III. Rejections Under 35 U.S.C. § 102 and 103**

Claims 1, 2, 6, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2002/0015877 to Tao ("Tao") or, in the alternative, rejected under 35 U.S.C. § 103(a) as obvious over Tao. Applicants respectfully disagree with these rejections and traverse for at least the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See M.P.E.P. § 2131. Additionally, to establish a *prima facie* case of obviousness, *inter alia*, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." See M.P.E.P. § 2143. With respect to Tao, Applicants respectfully submit that not all claim elements are found in that reference.

Tao discloses a solid state cathode of the formula:



where:

A is an alkaline-earth metal;

B is scandium, yttrium, or a lanthanide metal, and

C is titanium, vanadium, chromium, iron, cobalt, nickel, copper, zinc, zirconium, hafnium, aluminum or antimony.

However, Tao fails to teach or suggest a cathode including copper AND a metal of cobalt, iron, nickel, zinc, manganese, aluminum, vanadium, iridium, molybdenum, palladium, platinum, magnesium, ruthenium, rhodium, chromium or

zirconium. This is readily apparent from *Tao's* preferences and examples (see, e.g., paragraphs 28 and 46 – 55), which fail to teach or suggest using copper, much less copper in combination with one of the aforementioned metals.

Moreover, *Tao* fails to teach or suggest a cathode doped on an anode side by an alkaline-earth metal, which is a structural feature. There is nothing of record to teach or suggest to one of skill in the art to provide such a cathode.

Accordingly, as the Examiner has not established that the claims are anticipated or obvious over the cited reference, Applicants respectfully request withdrawal of all rejections under 35 U.S.C. § 102 and 103.

#### IV. Conclusion

In view of the foregoing Amendment and Remarks, Applicants submit that this application is in condition for allowance. Applicants, therefore, request entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Respectfully submitted,

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